



## FACT SHEET ON MASS CAMPAIGN LITERATURE

The City's Election Campaign Control Ordinance contains laws regarding printed campaign advertisements used to support or oppose City candidates and ballot measures. This fact sheet is designed to help candidates and committees gain a better understanding of the applicable laws, but should not be considered a substitute for the actual language contained in San Diego Municipal Code section 27.2970.

- ❖ Mass Campaign Literature means more than 200 substantially similar pieces of campaign literature which are distributed within a single calendar month.
- ❖ Mass Campaign Literature includes items that may be distributed through the mail, by campaign workers, or by any other means.
  - ✓ **Mass Campaign Literature includes** mailers, flyers, pamphlets, door hangers, walking cards, posters, yard signs, business cards, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger.
  - ✓ **Mass Campaign Literature does not include** pens, pencils, or other similarly small promotional items on which a "paid for by" disclosure cannot legibly be printed; wearing apparel; skywriting; or member communications other than a communication from a political party to its members. It also does not include a candidate's or committee's web site, e-mail messages, or any other Internet-based communication.<sup>1</sup>
- ❖ Each item of Mass Campaign Literature must include the words "paid for by" immediately followed by the name, street address, and city of any candidate or committee paying for the literature.
- ❖ The "paid for by" disclosure must be in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size.
- ❖ If the committee distributing Mass Campaign Literature is a candidate-controlled committee, the name of the candidate must be included in the "paid for by" disclosure.
- ❖ A post office box may be used instead of a street address if the candidate's or committee's street address is a matter of public record with the Secretary of State (i.e., identified on the committee's Form 410 – Statement of Organization).
- ❖ If two committees make independent expenditures to produce a single form of Mass Campaign Literature, then information for each committee must be included in the "paid for by" disclosure. (Please see the Ethics Commission's Fact Sheet on Campaign Advertising for additional information regarding two committees coordinating independent expenditures.)

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<sup>1</sup> Although a paid advertisement on a website is not considered a form of "mass campaign literature," even when the advertisement supports or opposes a City candidate or ballot measure, ECCO still requires the advertisement to include a "paid for by" disclosure. See the Ethics Commission's Fact Sheet on Campaign Advertising for more information.

- ❖ A committee making independent expenditures may not distribute Mass Campaign Literature at the behest of, or in coordination with, a candidate or candidate-controlled committee. (Doing so would constitute an unlawful in-kind contribution; organizations may not make contributions to support or oppose candidates.)
- ❖ Note that under state law an advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate. (See Cal. Gov't Code section 84506.5.) This requirement is in addition to local law, and does not eliminate the need for a "paid for by" disclosure.
- ❖ If an item of Mass Campaign Literature is sent through the mail, the following additional disclosures must be made (also in a 12 point font):
  - ✓ If the sender of the Mass Campaign Literature is a single candidate or committee, the name, street address, and city of the candidate or committee must be shown on the outside of each item being mailed. The "paid for by" disclosure may be combined with the sender information on the outside of the mailer, or it may be made separately in another location on the mailer.
  - ✓ If more than one committee pays to mail Mass Campaign Literature, the name, address, and city of the committee paying the largest portion of the costs of designing, printing, and mailing the mailer must be shown on the outside of the mailer. The names, addresses, and city of all of the committees paying for the mailer must be shown in another location on the mailer, along with the "paid for by" disclosure.
- ❖ Note that the Ethics Commission does not regulate the truth or accuracy of content of Mass Campaign Literature (i.e., it has no control over the publishing of false or misleading information).

For additional information, please contact the Ethics Commission at (619) 533-3476.

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